

**REMARKS**

Claims 1, 3 and 4 are pending in this application. Claim 2 is canceled. Claims 1 and 4 have been amended to more particularly point out and distinctly claim Applicants' invention.

No new matter is added. The features in the claims as amended were present in the originally filed specification. The amendment to claim 1 directed to the feature that the instant food is to be reconstituted by adding hot water is set forth in the present disclosure at page 1, lines 15 and 25 and at page 2, lines 15-19 and Examples 2 and 3.

In Applicants' invention, starch is concerted into water-soluble  $\alpha$  (alpha) starch through reconstitution by the addition of hot water to provide a food which can be eaten.

**35 U.S.C. 102 Rejections**

Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent Publication JP 2001 275584 to Hironori et al. Applicants herein respectfully traverse the rejection.

The Office Action states that Hironori allegedly discloses a powdery or granular thickener that includes a soybean polysaccharide. Applicants submit that Japanese Patent Publication JP 2001 275584 to Hironori et al. is directed to a thickener containing water-soluble polysaccharides and another thickening material. The thickener described in the reference is a functional component which is used by dissolving it in water so as to affect the viscosity or gelation of a food but not a food per se which can directly be eaten. The Hironori reference simply refers to a starch. It is of importance that starch is insoluble in water and naturally does not become a food merely when one adds water thereto.

In stark contrast to the Hironori reference, in the present invention as stated above starch is converted into water-soluble  $\alpha$  (alpha) starch through reconstitution by the addition of hot water to provide a food which can be eaten.

In short, the Japanese Patent Publication JP 2001 275584 teaches a thickener but does not teach an instant food. The reference also teaches neither the conversion of starch into  $\alpha$  (alpha) starch through reconstitution by the addition of hot water.

Therefore, because the reference fails to teach at least one claimed feature of the invention the rejection must be withdrawn. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

### **35 U.S.C. 103 Rejections**

Claim 4 is rejected under 35 U.S.C. 103(a) as being obvious over Japanese Patent Publication JP 2001 275584 to Hironori et al. in view of Japanese Patent Publication 09140344 to Kiyoshi. Applicants herein respectfully traverse the rejection. On page 4 of the Office Action, it is stated that Hironori et al fails to disclose a container for instant food. The Kiyoshi reference is then cited for the purpose of teaching an instant food packed in a container wherein the container allegedly serves as the reconstituting vessel and the serving bowl.

As Applicants note that the Kiyoshi reference was cited by the examiner for its alleged teaching of a cooking and serving bowl, Applicants submit that the reference still fails to teach the claimed feature in independent claim 1 from which all other claims depend of an instant food comprising a powder which contains a mixture of both a thickener and legume-derived water-soluble polysaccharides, the instant food being reconstitutable by addition of hot water to the instant food.

Therefore, since there is no teaching, motivation or suggestion to one of ordinary skill to arrive at the present invention by modifying the Hironori reference based on the teachings of the Kiyoshi reference, reconsideration and withdrawal of the rejection of claim 4 is requested.

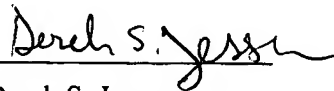
### **CONCLUSION**

For the reasons set forth above, Applicants' present invention, as recited in the amended claims now more clearly and particularly, is patentable. Reconsideration and withdrawal of all outstanding rejections in this case is hereby respectfully requested.

If further matters remain in connection with this case, the Examiner is invited to telephone the Applicant's undersigned representative to resolve them.

Respectfully submitted,

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